

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Correa Analyst: Kristina E. North Bill Number: AB 1567

Related Bills: See Prior Analysis Telephone: 845-6978 Amended Date: May 7, 2003

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: FTB Investigators/"Peace Officer" Status/Requirements & Training For Authorization To Carry Firearms

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

☒ AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as amended April 10, 2003.

☒ FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

☒ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED APRIL 10, 2003, STILL APPLIES.

☒ OTHER - See comments below.

SUMMARY

This bill would expand the peace officer duties of certain individuals.

SUMMARY OF AMENDMENTS

The May 8, 2003, amendments would:

- ◆ Remove the expansion of enforcement duties for Franchise Tax Board (FTB) Investigators.
- ◆ Combine the two conflicting, governing sections over peace officers into one section that would be repealed January 1, 2007, and add a new section effective January 1, 2007.
- ◆ Specify that a peace officer is not authorized to carry firearms until the agency has: (1) verified the officer is not a misdemeanor, (2) adopted a deadly force policy, and (3) instructed the officer on the agency's deadly force policy.
- ◆ Discontinue the misdemeanor criteria effective January 1, 2007.
- ◆ Discontinue the required Commission on Peace Officer Standards and Training (POST) training courses effective January 1, 2007.
- ◆ Remove the legislative intent language.

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Legislative Director

Date

Brian Putler

May 27, 2003

- ◆ Allow an entity to request a study from POST for various categories of peace officers, including FTB investigators until January 1, 2007.
- ◆ Make other changes that do not impact the department.

As a result of the amendments, new implementation considerations and a new technical consideration are added in italics. With the removal of Penal Code Section 830.2 from this bill, the technical and the implementation concerns regarding conflicting code sections governing the FTB investigators are resolved. The remaining implementation concerns still apply and are restated below. The remainder of the department's analysis of the bill as amended April 10, 2003, still applies.

POSITION

Pending.

IMPLEMENTATION CONSIDERATIONS

This bill does not define misdemeanor, consequently, it is unclear if the author intends that a misdemeanor be convicted and/or sentenced for a misdemeanor or if the individual need only have been guilty but not convicted or sentenced.

Further, the timeframe for when the misdemeanor was committed is not specified. For example, it is unclear if the author intends that a 50-year old peace officer be denied a firearm for a misdemeanor committed when he or she was 19.

It is unclear if the author intends the misdemeanor criteria pertain to an incumbent peace officer.

The timeframe for when an officer under subdivision (v) of Penal Code Section 830.3 (page 13 of the bill) must complete the Specialized Investigators Basic Course is unclear.

It is unclear if an incumbent FTB investigator who was not required to take the Specialized Investigators Basic Course would be required to complete the course as a result of this bill. If the additional training is required, the 15-week period that the incumbent investigator would be away from the department could impact FTB's enforcement of the Revenue and Taxation Code, and thus, FTB's ability to collect certain income tax revenues.

TECHNICAL CONSIDERATION

This bill provides that no later than six months from being appointed under "subdivision v" that specific courses would be required. However, no peace officers are appointed under that "subdivision." The author may wish to change term from "subdivision" to "section."

LEGISLATIVE STAFF CONTACT

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